

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION**

SANDRA A. THOMPSON

PLAINTIFF

VS.

CAUSE NO.: 2:12-cv-0014-MPM-JMV

PANOLA COUNTY, MISSISSIPPI;

BRYAN ARNOLD

**A, B, C, D, and E, the individuals
responsible for the arrest, detainment,
and jailing of Sandra A. Thompson.**

DEFENDANTS

JURY TRIAL DEMANDED

FIRST AMENDED COMPLAINT

COMES NOW, the Plaintiff, Sandra A. Thompson, and files this complaint for damages and in support thereof, states the following:

I. PARTIES

1. Sandra A. Thompson is an adult resident citizen of DeSoto County, Mississippi.
2. Defendant Panola County, Mississippi, is a political subdivision of the State of Mississippi which may be served with process through Kelly Morris, the President of the Board of Supervisors, 151 Public Square, Batesville, Mississippi. Defendant Panola County operates and maintains a law enforcement agency known as the Panola County Sheriff's Department which is responsible for the operation of the Panola County jail. At all times pertinent to this cause of action, Defendant Panola County acted under color of law.

3. Defendant Bryan Arnold is one of the individual responsible for Plaintiff's arrest, detainment and jailing. Upon information and belief, Bryan Arnold was an employee, agent and/or official of Panola County, who at all times material to this complaint was acting with wanton and/or reckless disregard for Plaintiff's rights as described herein, within the course and scope of his employment or agency with Panola County and under color of law.

4. Defendants A, B, C, D and E are the other individuals responsible for Plaintiff's arrest, detainment and/or jailing. Fictitious names are used as the true identities of these individuals are unknown to Plaintiff at this time. Upon information and belief, all the individuals were employees, agents and/or officials of Panola County, who at all time material to this complaint were acting with wanton and/or reckless disregard for Plaintiff's rights as described herein, within the course and scope of their employment or agency with Panola County and under color of law.

II. JURISDICTION AND VENUE

5. The Court has jurisdiction over this lawsuit because at least one count of the lawsuit arises under federal law, 42 U.S.C. § 1983. Jurisdiction over such cause and the other causes of action in this lawsuit is pursuant to 28 U.S.C. §1331 and §1367.

6. Venue is proper in the Northern District of Mississippi under 28 U.S.C. §1391.

III. FACTUAL ALLEGATIONS

7. On or about August 31, 2010, Plaintiff was arrested and imprisoned by Panola County sheriff's deputies, who were acting within their official capacities as employees of the Panola County Sheriff's Department. Plaintiff was arrested pursuant to

a warrant intended for another woman. Plaintiff's name is Sandra A. Thompson, and the warrant was intended for a Sandra B. Thompson.

8. Sandra B. Thompson is a black female. Plaintiff is a Caucasian female.

9. Plaintiff was arrested by Deputy Sheriff Bryan Arnold. At the time of Plaintiff's arrest, Arnold told Plaintiff that Panola County had been looking for her since 2002 on bad check charges, and that she would be going to jail for a felony.

10. Plaintiff informed Arnold that she was not the person they were looking for.

11. Defendant Arnold, the Panola County sheriff's department, its jailers/deputies and justice court officials, acting with deliberate indifference to Plaintiff's rights, failed to properly investigate the circumstances surrounding Plaintiff's arrest and surrender to insure that the arrest and surrender were proper and that Plaintiff was in fact the criminal suspect for whom the arrest warrant was intended.

12. Plaintiff was held in custody for eight (8) days. During her incarceration, Plaintiff was continually tormented by jailers, who would tell her that she was a felon and would be going to prison. Due to jail conditions, Plaintiff was forced to sleep on the floor of her jail cell.

13. The first time that Plaintiff was taken to the Panola County Justice Court, she realized that the charges on which she was arrested referred to a Sandra B. Thompson. Plaintiff attempted to explain that she was Sandra A. Thompson, but she was taken back to jail and told that she may be transferred to Rankin County.

14. Finally, after eight (8) days of incarceration and torment, and after the continual insistence by Plaintiff that she was not the criminal suspect for whom the

warrant was intended, jailers agreed simply to process Plaintiff's social security number through their system. This revealed the inexcusable and unreasonable mistake made by the Panola County officials, and Plaintiff was released from Panola County custody.

15. As a direct and proximate result of the objectively unreasonable, reckless, grossly negligent and/or wanton acts of Panola County's officials, their agents and/or employees, and their failure and/or refusal to properly investigate the facts before arresting and imprisoning Plaintiff, Plaintiff was falsely arrested and imprisoned, she was unlawfully deprived of her legal rights guaranteed to her by the Constitution and Laws of the United States, and was caused to suffer and will continue to suffer in the future extreme fear, embarrassment, humiliation, defamation of character, and emotional, physical, and mental anguish. This entire experience has led to a paranoid distrust of law enforcement and has caused her to live in fear of an incident such as this occurring again.

16. At all times relevant to this lawsuit, the involved agents, officials, and/or employees of Defendant were acting under color of the laws and regulations of the State of Mississippi and Panola County. Panola County had policies and/or customs in place that enabled its officials, agents and employees to act with deliberate indifference to the constitutional rights of individuals or had failed to enact and enforce policies to protect individuals from such violation of their constitutional rights. Panola County failed to adequately supervise, discipline, or train sheriff's deputies, jailers and/or justice court officials.

IV. COMPLIANCE WITH ADMINISTRATIVE REQUIREMENTS

17. The Plaintiff properly notified Defendant Panola County, Mississippi, of his claim against it as provided in Mississippi Code Annotated § 11-46-11, as amended.

18. A true and correct copy of the Notice Letter to Panola County, Mississippi, is attached hereto as Exhibit “A” and is incorporated herein by reference.

V. 42 U.S.C. § 1983--VIOLATION OF CONSTITUTIONAL RIGHTS

19. Plaintiff hereby incorporates and re-alleges each and every preceding paragraph as if fully set forth herein.

20. On the occasions complained of, Defendants’ actions or inactions were objectively unreasonable, unnecessary, and excessive.

21. The actions and omissions of the Defendant’s violated Plaintiff’s clearly established rights under the Fourth and Fourteenth Amendments to the United States Constitution to be free from unreasonable seizure of her person and to freedom from the use of unreasonable, unnecessary, and excessive force.

22. As a direct and proximate result of the Defendants’ conduct, policies, customs, and/or practices as set out herein, Plaintiff was damaged, in that she was falsely arrested and imprisoned, and she was caused to suffer and will continue to suffer in the future extreme fear, embarrassment, humiliation, defamation of character, and emotional, physical, and mental anguish, among other things.

23. Plaintiff is entitled to recovery of attorney’s fees and expenses from Defendants pursuant to 42 U.S.C. § 1988.

24. The conduct of the individual defendants was objectively unreasonable in light of clearly established law at the time of the conduct. As a result of the willful, gross and oppressive conduct of the Defendants, Plaintiff claims punitive damages of the individual defendants.

VI. FALSE ARREST AND IMPRISONMENT

25. Plaintiff hereby incorporates and re-alleges each and every preceding paragraph as if fully set forth herein.

26. Plaintiff was unlawfully arrested and detained by the Panola County Sheriff's Department. Upon surrender of Plaintiff to the Panola County Jail, Plaintiff was wrongfully and falsely imprisoned by the Panola County Jail for a period of eight (8) days.

27. In addition to the acts and omissions described herein above, the following wrongful acts and omissions were committed by the defendants:

(a) failure to verify whether the warrant upon which Plaintiff was arrested was actually intended for Plaintiff;

(b) failure to take any steps whatsoever to verify that Plaintiff was the criminal suspect named in the executed warrant;

(c) Panola County jail's imprisoning of Plaintiff for eight (8) days with no verification whatsoever that such imprisonment was lawful; and

(d) other acts and omissions to be shown at trial of this cause.

28. Such acts and omissions by the defendants constituted grossly negligent and/or reckless and wanton disregard for Plaintiff's rights.

29. As a direct and proximate result of the aforementioned acts and omissions of the defendants, and her false arrest and imprisonment, Plaintiff suffered damages including, but not limited to, embarrassment, humiliation, mental anguish, fear, emotional distress and violation of her Constitutional rights.

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays for a judgment against the Defendants, jointly and severally, for compensatory and punitive damages in an amount in excess of the jurisdictional limits of this Court, for attorney fees and costs, and for all such further relief, both general and specific, to which they may be entitled under the premises.

Respectfully submitted, this the 23rd day of May, 2012.

/s/ Brandon Flechas
BRANDON FLECHAS (MSB #102283)
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PLAINTIFF RESPECTFULLY REQUESTS A JURY TRIAL AS TO THE
COUNTS HEREIN ALLEGING VIOLATION OF CONSTITUTIONAL RIGHTS.

/s/ Brandon Flechas
BRANDON FLECHAS